

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

MALIBU MEDIA, LLC,	)	
	)	
Plaintiff,	)	
vs.	)	NO. 1:12-cv-00840-RLY-MJD
	)	
JOHN DOES 1, 7,	)	
BRIAN LACEY,	)	
RYAN OURS,	)	
	)	
Defendants.	)	

**ORDER SETTING PRO SE INITIAL PRE-TRIAL CONFERENCE**

The parties are ORDERED to appear in person for an initial pre-trial conference in this case, on **Tuesday, July 9, 2013 at 1:00 p.m.** The conference will be held in Room 243, of the United States Courthouse, located at 46 E. Ohio St., Indianapolis, Indiana. If distance, disability, or some other good reason makes it difficult for you to travel to the courthouse for this conference, you may file a motion seeking leave to appear by telephone. In the motion, explain in detail the reasons you cannot attend in person. If your request is granted, the Court will tell you what number to call at the time of the conference. Because the Court will go over very important matters at the conference, however, the Court prefers to have everyone there in person.

One of the first things that the Court will ask the Plaintiff to do at the conference is to briefly explain what the lawsuit is about. That means that the Plaintiff must be prepared to tell the

Court what his or her case is about and how each Defendant was involved. Afterward, the Court will ask the Defendant(s) to briefly explain its defenses.

Once the parties have explained what the case is about, the Court will ask the parties if there is any reason that the Court should not enter the following orders in the case:

- A.** No later than **July 16, 2013** - Each party must give the other parties a list (with addresses and telephone numbers) of every witness who has knowledge that could help prove that party's claims or defenses. For each witness the party lists, there should be a brief description of what that witness knows. \*\*This list is NOT filed with the Court.
- B.** No later than **July 16, 2013** - Each party must give the other parties copies of all documents, computer files, and other electronic data that the party has that it may use to prove its case. \*\*The copies of documents are NOT filed with the Court.
- C.** No later than **July 16, 2013** - The Plaintiff must give the Defendant(s) a written estimate of how much money the Plaintiff claims he is entitled to for any injuries or damages the Plaintiff claims to have suffered. At that time, the Plaintiff must also give the Defendant(s) all non-privileged documents that support that estimate, including those that might prove the nature and the extent of the Plaintiff's injury. \*\*This estimate and the documents are NOT filed with the Court.
- D.** The parties must update the information and documents that they provided to each other under Paragraphs A-C above as additional information becomes available to them. The Court may prevent a party from using evidence that it has not shared with the other side.
- E.** If parties need additional evidence from each other,


or from third-parties, companies, or entities, they may use the methods described in Federal Rules of Civil Procedure 26-37 and 45 to obtain it. These methods are called "discovery" methods. All discovery requests must be served on the responding party (but NOT filed with the Court) no later than **November 6, 2013**. All Discovery must be completed by **December 6, 2013**.

- F.** No later than **September 23, 2013** - Plaintiff shall tell the Defendant if they intend to use any testimony by expert witnesses. At that time, if Plaintiff intends to use an expert, they must give the Defendant either a signed report from the expert that presents all the witness' opinions and all the other information required by Federal Rule of Civil Procedure 26(a)(2)(B) for experts with regard to whom that Rule applies or a disclosure identifying the subject matter on which that witness is expected to provide expert testimony and a summary of the facts and opinions to which the witness is expected to testify, as required by Rule(26)(a)(2)(C).
- G.** No later than **October 23, 2013** - Defendant shall tell the Plaintiff if they intend to use any testimony by expert witnesses. At that time, if Defendant intends to use an expert, they must give the Plaintiff either a signed report from the expert that presents all the witness' opinions and all the other information required by Federal Rule of Civil Procedure 26(a)(2)(B) for experts with regard to whom that Rule applies or a disclosure identifying the subject matter on which that witness is expected to provide expert testimony and a summary of the facts and opinions to which the witness is expected to testify, as required by Rule(26)(a)(2)(C).
- H.** No later than **July 24, 2013** - Any party who wants to amend its Complaint, Answer, or other pleading must file a motion requesting permission to do so. This includes trying to add new parties to the lawsuit.
- I.** No later than **July 29, 2013** - Any party who believes that the pleadings either are improper under Federal Rule of Civil Procedure 12(b) or establish (non)liability under 12(c) must file a motion to that effect.

**J.** No later than **January 6, 2014** - Any party who believes that there is no genuine issue as to any material fact and that it is entitled to judgment as a matter of law, and therefore the case does not need to go to trial, must file its motion under Federal Rule of Civil Procedure 56.

**K.** If the case is not resolved by settlement, motion, or other ruling, the court will set a trial date.

Dated: 05/16/2013

  
Mark J. Dinsmore  
United States Magistrate Judge  
Southern District of Indiana

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